

To: MATTHEW POWELSON(matt@321-law.com)
Subject: U.S. Trademark Application Serial No. 90833320 - FAMILY FRESH FARMS
Sent: October 04, 2023 09:22:24 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 90833320

Mark: FAMILY FRESH FARMS

Correspondence Address:
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UNITED STATES

Applicant: Harvest Tek, Inc.

Reference/Docket No. N/A

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EXAMINER'S AMENDMENT

Issue date: October 4, 2023

This Examiner's amendment supersedes and is supplemental to the final Office action issued February 9, 2023 in which registration was refused under Trademark Act Section 2(d) for likelihood of confusion with the mark in U.S. Registration No. 3618392.

Based on review of the record and applicant's August 9, 2023 request for reconsideration, the refusal under Trademark Act Section 2(d) has been obviated.

Applicant's request for reconsideration included a proposed identification amendment beyond the scope of the original identification, as well as an insufficient proposed claim of acquired distinctiveness. Applicant has requested these issues be addressed by Examiner's amendment.

Application has been amended as shown below. As agreed to by Matthew Powelson on October 4, 2023, the examining attorney has amended the application as shown below.

The identification of goods is reverted to read as follows: “fresh vegetables.” *See* TMEP §§1402.01, 1402.01(e).

Further, the claim of acquired distinctiveness under Trademark Act Section 2(f) is removed from the application. 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a)(2); TMEP §§1212.01, 1212.05.

Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.* In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

/Cheryl Kluwe/
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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on October 4, 2023 for
U.S. Trademark Application Serial No. 90833320

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You may be required to respond to this Office action. Follow the steps below.

- (1) **[Read the Office action.](#)** This email is NOT the Office action.
- (2) **Respond to the Office action, if a response is required.** Respond by deadline using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your Serial Number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.